

ASSURANCES and CERTIFICATIONS

Instructions:

The Consolidated State Application Signature Page, signed by the authorized State/SEA representative and submitted in June 2002, certifies the State's agreement to the following sets of assurances, the crosscutting certification, and the requirements of GEPA, Section 427.

General and Cross-Cutting Assurances

Description: Section 9304(a) requires States to have on file with the Secretary a single set of assurances, applicable to each program included in the consolidated application, that provide that—

- 1. Each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;*
- 2. The control of funds provided under each such program and title to property acquired with program funds will be in a public agency, a nonprofit private agency, institution, or organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities; and*
- 3. The public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer those funds and property to the extent required by the authorizing law;*
- 4. The State will adopt and use proper methods of administering each such program, including—*
 - a. The enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;*
 - b. The correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and*
 - c. The adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs;*
- 5. The State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;*
- 6. The State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;*
- 7. The State will—*
 - a. Make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and*
 - b. Maintain such records, provide such information to the Secretary, and afford such access to the records as the Secretary may find necessary to carry out the Secretary's duties; and*
 - c. Before the plan or application was submitted to the Secretary, the State afforded a reasonable opportunity for public comment on the plan or application and considered such comment.*

Certification

Certification of compliance with Unsafe School Choice Option Requirements

The State certifies that it has established and implemented a statewide policy requiring that students attending persistently dangerous public elementary or secondary schools, as

determined by the State (in consultation with a representative sample of local educational agencies), or who become victims of violent criminal offenses, as determined by State law, while in or on the grounds of public elementary and secondary schools that the students attend, be allowed to attend safe public elementary or secondary schools within the local educational agency, including a public charter school. *

* Pursuant to Title IX, the State of New Jersey certifies that it will establish and implement a statewide policy requiring that students attending persistently dangerous public elementary or secondary schools, as determined by the state (in consultation with a representative sample of local educational agencies), or who become victims of violent criminal offenses, as determined by state law, while in or on the grounds of public elementary and secondary schools that the students attend, be allowed to choose to attend a different, safe public elementary or secondary school (which may include a charter school) within the local educational agency.

ESEA Program Specific Assurances

Each SEA that submits a consolidated application also must provide an assurance that it will comply with all requirements of the ESEA programs included in their consolidated applications, whether or not the program statute identifies these requirements as a description or assurance that States would address, absent this consolidated application, in a program-specific plan or application. States are required to maintain records of their compliance with each of those requirements. (Note: For the Safe and Drug Free Schools programs, the SEA must have all appropriate assurances from the Governor on record.)

Through the general assurance and assurance (1) in section 9304 (a), the SEA agrees to comply with all requirements of the ESEA and other applicable program statutes. While all requirements are important, we have identified below a number of key requirements of each program that the SEA is agreeing to meet through this general assurance. This list of program-specific requirements the SEA is assuring is not exhaustive; States are accountable for all program requirements.

1. Title I, Part A – Improving Basic Programs Operated By LEAs

Assurance that –

- a. The State plan for the implementation of Title I, Part A was developed in consultation with LEAs, teachers, principals, pupil services personnel, administrators, other staff and parents and that the plan for Title I, Part A coordinates with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act.***
- b. The SEA has a plan for assisting LEAs and schools to develop capacity to comply with program operation and for providing additional educational assistance to students needing help to achieve State standards, including:***
 - i. the use of schoolwide programs;***
 - ii. steps to ensure that both schoolwide program- and targeted assisted program schools have highly qualified staff (section 1111);***

- iii. *ensuring that assessments results are used by LEAs, schools, and teachers to improve achievement (section 1111);*
- iv. *use of curricula aligned with state standards (section 1111);*
- v. *provision of supplemental services, including a list of approved service providers and standards and techniques for monitoring the quality and effectiveness of services (section 1116);*
- vi. *choice and options (section 1116);*
- vii. *the state support system under section 1117; and*
- viii. *teacher and paraprofessional qualifications (section 1119).*
- c. *The State has a strategy for ensuring that children served by Title I, Part A will be taught the same knowledge and skills in other subjects and held to the same expectations as all children.*
- d. *The State will implement the accountability requirements of section 1116(f) regarding schools identified for improvement prior to the passage of NCLB.*
- e. *The State will implement the provisions of section 1116 regarding LEAs and schools in improvement and corrective action.*
- f. *The State will produce and disseminate an annual State Report Card in accordance with section 1111(h)(1) and will ensure that LEAs that receive Title I, Part A funds produce and disseminate annual local Report Cards in accordance with section 1111(h)(2).*
- g. *The SEA will ensure that LEAs will annually assess English skills for all limited-English proficient students.*
- h. *The SEA will coordinate with other agencies that provide services to children, youth and families to address factors that have significantly affected the achievement of students.*
- i. *The SEA will ensure that assessment results are promptly provided to LEAs, schools, and teachers.*
- j. *The State will participate in State academic assessments of 4th and 8th grade reading and mathematics under NAEP if the Secretary pays the cost of administering such assessments, and will ensure that schools drawn for the NAEP sample will participate in all phases of these assessments, including having results published.*
- k. *The SEA, in consultation with the Governor, will produce a plan for carrying out the responsibilities of the State under sections 1116 and 1117, and the SEA's statewide system for technical assistance and support of LEAs.*
- l. *The SEA will assist LEAs in developing or identifying high-quality curricula aligned with State academic achievement standards and will disseminate such curricula to each LEA and local school within the State.*
- m. *The State will carry out the assurances specified in section 1111(c).*

1. Title I, Part B – Even Start Family Literacy

Assurance that –

- a. *The SEA will meet its indicators of program quality developed in section 1240.*
- b. *The SEA will help each project under this part to fully implement the program elements described in section 1235, including the monitoring of the projects' compliance with staff qualification requirements and usage of instructional programs based on scientifically based reading research for children and adults.*

- c. The SEA collaborated with early childhood specialists, adult education specialists, and others at the State and local level with interests in family literacy in the development and implementation of this plan.*

2. Title I, Part C – Education of Migrant Children

Assurance that –

In addition to meeting the seven program assurances in Section 1304(c), the SEA will ensure that –

- a. Special educational needs of migratory children, including preschool migratory children, are identified and addressed through – (a) the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs; (b) joint planning among local, State, and Federal educational programs serving migrant children, including language instruction educational programs under part A or B of title III; and (c) the integration of services available under this part with services provided by those other programs, a (d) measurable program goals and outcomes.*
- b. State and its local operating agencies will identify and address the special educational needs of migratory children in accordance with a comprehensive State plan as specified in section 1306 (a).*
- c. State will provide for educational continuity through the timely transfer of pertinent school records in a manner consistent with procedures the Secretary may require.*

4. Title I, Part D – Children and Youth Who Are Neglected, Delinquent or At-Risk

Assurance that the SEA –

- a. Will ensure that programs will be carried out in accordance with the State plan.*
- b. Will carry out the evaluation requirements of section 1431.*
- c. Has collaborated with parents, correctional facilities, local education agencies, public and private business and other state and federal technical and vocational programs in developing and implementing its plan to meet the educational needs of neglected, delinquent, and at-risk children and youth.*
- d. Conducts a process to award Subpart 2 subgrants, to programs operated by local education agencies and correctional facilities.*
- e. Will integrate programs and services for neglected, delinquent, and at-risk children and youth with other programs under this Act or other Acts.*

5. Title I, Part F – Comprehensive School Reform

Assurance that the SEA will --

- a. Fulfill all requirements relating to the competitive subgranting of program funds.*
- b. Awards subgrants of not less than \$50,000 and of sufficient size and scope to support the initial costs of the program.*
- c. Award subgrants renewable for 2 additional one year periods if the school is making substantial progress.*
- d. Consider the equitable distribution of subgrants to different geographic regions in the State, including urban and rural areas and to schools serving elementary and secondary students.*

- e. *Reserve not more than five (5) percent of grant funds for administrative, evaluation, and technical assistance expenses.*
 - f. *Use funds to supplement, and not supplant, any other funds that would otherwise be available to carry out these activities.*
 - g. *Report subgrant information, including names of LEAs and schools, amount of award, and description of award.*
 - h. *Provide a copy of the State's annual program evaluation.*
6. **Title II, Part A – Teacher and Principal Training and Recruiting Fund**
Assurance that –
- a. *The SEA will take steps to ensure compliance with the requirements for “professional development” as the term is defined in section 9101(34).*
 - b. *All funded activities will be developed collaboratively and based on the input of teachers, principals, administrators, paraprofessionals, and other school personnel.*
 - c. *The SEA will implement the provisions for technical assistance and accountability in section 2141 with regard to any LEA that has failed to make adequate yearly progress for two or more consecutive years.*
7. **Title II, Part D – Enhanced Education Through Technology**
Assurance that the SEA --
- a. *Will ensure that each subgrant awarded under section 2412 (a)(2)(B) is of sufficient size and duration, and that the program funded by the subgrant is of sufficient scope and quality, to carry out the purposes of this part effectively.*
 - b. *Has in place a State Plan for Educational Technology that meets all of the provisions of section 2413 of ESEA.*
8. **Title III, Part A – English Language Acquisition, Language Enhancement, and Academic Achievement**
Assurance that --
- a. *Subgrantees will be required to use their subgrants to build their capacity to continue to provide high-quality language instruction educational programs for LEP students once the subgrants are no longer available.*
 - b. *The State will consult with LEAs, education-related community groups and non-profit organizations, parents, teachers, school administrators, and researchers in developing annual measurable student achievement objectives for subgrantees.*
 - c. *Each subgrantee will include in its plan a certification that all teachers in a Title III language instruction educational program for limited English proficient children are fluent in English and any other language used for instruction.*
 - d. *In awarding subgrants to eligible entities that have experienced a recent significant increase in the percentage or number of immigrant students, the State will equally consider eligible entities that have limited or no experience in serving immigrant children and youth, and consider the quality of each local plan.*
 - e. *Subgrants will be of sufficient size and scope to support high-quality programs.*
 - f. *Subgrantees will be required to provide for an annual reading or language arts assessment in English of all children who have been in the United States for three or more consecutive years.*

- g. *Subgrantees will be required to assess annually the English proficiency of all LEP children.*
- h. *A subgrantee plan will not be in violation of any State law, including State constitutional law, regarding the education of LEP children.*
- i. *Subgrantee evaluations will be used to determine and improve the effectiveness of subgrantee programs and activities.*
- j. *Subgrantee evaluations will include a description of the progress made by children in meeting State academic content and student academic achievement standards for each of the two years after these children no longer participate in a Title III language instruction educational program.*
- k. *A subgrantee that fails to make progress toward meeting annual measurable achievement objectives for two consecutive years will be required to develop an improvement plan that will ensure the subgrantee meets those objectives.*
- l. *Subgrantees will be required to provide the following information to parents of LEP children selected for participation in a language instruction educational program:*
 - 1) *How the program will meet the educational needs of their children;*
 - 2) *Their options to decline to enroll their children in that program or to choose another program, if available;*
 - 3) *If applicable, the failure of the subgrantee to make progress on the annual measurable achievement objectives for their children.*
- m. *In awarding subgrants, the State will address the needs of school systems of all sizes and in all geographic areas within the State, including school systems with urban and rural schools.*

9. **Title IV, Part A – Safe and Drug-Free Schools and Communities**

Assurance that --

- a. *The State has developed a comprehensive plan for the use of funds by the State educational agency and the chief executive officer of the State to provide safe, orderly, and drug-free schools and communities through programs and activities that complement and support activities of local educational agencies under section 4115(b), that comply with the principles of effectiveness under section 4115(a), and that otherwise are in accordance with the purpose of this part.*
- b. *Activities funded under this program will foster a safe and drug-free learning environment that supports academic achievement.*
- c. *The application was developed in consultation and coordination with appropriate State officials and others, including the chief executive officer, the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations.*
- d. *Funds reserved under section 4112(a) will not duplicate the efforts of the State education agency and local educational agencies with regard to the provisions of school-based drug and violence prevention activities and that those funds will be used to serve populations not normally served by the State educational agencies and local educational agencies and populations that need special services, such as*

- school dropouts, suspended and expelled students, youth in detention centers, runaway or homeless children and youth, and pregnant and parenting youth.*
- e. The State will cooperate with, and assist, the Secretary in conducting data collection as required by section 4122.*
 - f. LEAs in the State will comply with the provisions of section 9501 pertaining to the participation of private school children and teachers in the programs and activities under this program.*
 - g. Funds under this program will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this program, and in no case supplant such State, local, and other non-Federal funds.*
 - h. A needs assessment was conducted by the State for drug and violence prevention programs, which shall be based on ongoing State evaluation activities, including data on the incidence and prevalence of illegal drug use and violence among youth in schools and communities, including the age of onset, the perception of health risks, and the perception of social disapproval among such youth, the prevalence of protective factors, buffers, or assets and other variables in the school and community identified through scientifically based research.*
 - i. The State will develop and implement procedures for assessing and publicly reporting progress toward meeting the performance measures.*
 - j. The State application will be available for public review after submission of the application.*
 - k. Special outreach activities will be carried out by the SEA and the chief executive officer of the State to maximize the participation of community-based organizations of demonstrated effectiveness that provide services such as mentoring programs in low-income communities.*
 - l. Funds will be used by the SEA and the chief executive officer of the State to support, develop, and implement community-wide comprehensive drug and violence prevention planning and organizing activities.*
 - m. The State will develop a process for review of applications from local educational agencies that includes receiving input from parents.*

10. Title IV, Part B – 21st Century Community Learning Centers

Assure that the SEA will –

- a. Write the State application in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering before and after school programs, the heads of the State health and mental health agencies or their designees, and representatives of teachers, parents, students, the business community, and community-based organizations.*
- b. Award subgrants of not less than three years and not more than five years that are of not less than \$50,000 and of sufficient size and scope to support high quality, effective programs.*
- c. Fund entities that propose to serve students who primarily attend schools eligible for schoolwide programs under section 1114 or schools that serve a high percentage of students from low-income families, and the families of such students.*

- d. Require local applicants to submit a plan describing how community learning centers to be funded through this grant will continue after the grant period.*
- e. Require local applicants to describe in their applications how the transportation needs of participating students will be addressed.*

11. Title V, Part A – Innovative Programs

Assure that --

- a. The State has set forth the allocation of funds required to implement section 5142 (participation of children enrolled in private schools).*
- b. The State has made provision for timely public notice and public dissemination of the information concerning allocations of funds required to implement provisions for assistance to students attending private schools.*
- c. Apart from providing technical and advisory assistance and monitoring compliance with this part, the SEA has not exercised, and will not exercise, any influence in the decision making processes of LEAs as to the expenditure made pursuant to the LEAs' application for program funds submitted under section 5133.*